HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 256 (S/S) 2003

Banshi lal Dobhal S/o Sri Lokanand Dobhal,
Resident of Kashmiri Colony,
Single Mandi, Kargi, Dehradun. ----Petitioner.

Versus

1. State of Uttaranchal through its Secretary,
   Ministry of Local Bodies, Dehradun,
2. State of Uttar Pradesh, through its Secretary,
   Ministry of Local Bodies, Lucknow,
3. Director, Local Bodies, U.P.,
   8th Floor, Indira Bhawan, Lucknow, U.P.,
4. Nagar Nigam, Dehradun through
   It's Chairman, Dehradun,
5. State Employees Group Insurance, Life Insurance
   Corporation, through its Branch Manager,
   30-Hazrat Ganj, Lucknow, U.P.,
6. State of U.P. through its Secretary,
   Ministry of Urban Development, Lucknow. ---Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard learned counsel for the parties.

By the present writ petition, the petitioner has prayed for the following reliefs:-

i. To summon the complete record pertaining to the case,

ii. To issue the writ, order or direction in the nature of mandamus directing the respondents to pay the petitioner his gratuity, pension as well as the amount of his group insurance alongwith the interest @ 24% per annum,

iii. To issue any other suitable writ, order or direction as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case,

iv. To award the costs of the petition to the petitioner.

Submission of the petitioner is that, the petitioner was appointed in the Nagar Palika Parishad, Dehradun. He retired on 30.09.2000 from the post of Tax Superintendent. After his retirement, the respondents have not paid the retrial benefits due towards the petitioner, therefore he constrained to file the present writ petition.

A counter affidavit has been filed by respondent no. 4. In para-6 of the counter affidavit the respondent no. 4 has stated that the petitioner supplied the papers regarding retirement benefits to the answering respondent, after 19 months from the date of his retirement i.e. the month of April 2002 and after verification, the Nigam has forwarded the same to the respondent no. 3, however, the dues payable by the Nagar Nigam has already been paid to the petitioner on 07.04.2001 and the amount of Group Insurance has also been paid to him.

The respondent nos. 2,3 & 6 have also filed their joint counter affidavit. In para-4 of the counter affidavit, the respondents have stated that the respondent no. 3 has already sanctioned the pension, gratuity alongwith arrears vide order dated 27.09.2003 and forwarded the papers of the petitioner regarding his Group Insurance to the life Insurance Corporation of India. As the respondent no. 4 in his counter affidavit has stated that the amount of Group Insurance has already been paid to the petitioner, nothing remains to be redressed by this Court.

In view of aforesaid statement made in the counter affidavits, the writ petition has become infructuous. As such, the writ petition is dismissed being infructuous.

(M.M. Ghildiyal, J.)

October 16, 2006:
NCM: